

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GEORGE LEPRE, on behalf of himself,
and all others similarly situated,

Plaintiffs,

v.
COX COMMUNICATIONS, INC., and
DOES 1 through 100, inclusive,

Defendants.

Case No. 12cv1639 BTM(WVG)

**ORDER GRANTING MOTION TO
STAY CASE PENDING DECISION
OF THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

Defendant has filed a motion to stay this case pending a decision by the Judicial Panel for Multidistrict Litigation (“MDL Panel”) on Defendant’s motion to transfer this case to MDL No. 2048 in the Western District of Oklahoma. For the reasons discussed below, Defendant’s motion is **GRANTED**.

On July 18, 2012, Defendant filed a motion before the MDL Panel to transfer this case to MDL No. 2048. According to the parties, the MDL Panel was expected to hear the motion, without oral argument, on September 20, 2012. After Defendant filed the instant motion to stay, Defendant filed a separate motion with the MDL Panel to consolidate this case and three other regional class complaints into a new MDL proceeding in the Northern District of Oklahoma. It does not appear that a hearing date has been set on this motion.

In determining whether to issue a stay of proceedings pending transfer proceedings before the MDL Panel, courts generally consider three factors: (1) potential prejudice to the

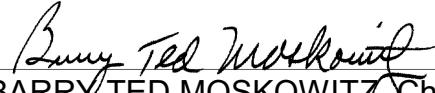
1 non-moving party; (2) hardship and inequity to the moving party if the action is not stayed;
2 and (3) the judicial resources that would be saved by avoiding duplicative litigation if the
3 cases are in fact consolidated. Ortiz v. Menu Foods, Inc., 525 F. Supp. 2d 1220, 1232 (D.
4 Hawaii 2007); Rivers v. Walt Disney Co., 980 F. Supp. 1358, 1360 (C.D. Cal. 1997).

5 The Court finds that a stay of this case pending a transfer decision by the MDL Panel
6 would promote judicial economy and avoid the possibility of conflicting rulings. It appears
7 that a ruling on the motion to transfer to the Western District of Oklahoma is imminent. It
8 also appears that the motion to transfer to the Northern District of Oklahoma has been fully
9 briefed. Therefore, the issue of transfer should be resolved shortly, and Plaintiff will not
10 suffer any discernable prejudice from a stay pending the outcome of Defendant's motions
11 to transfer. The Court makes no findings on the merits of Defendant's motions to transfer.

12 The Court **GRANTS** Defendant's motion to stay these proceedings pending a
13 decision by the MDL Panel on Defendant's pending motions to transfer. This case is
14 **STAYED** until further order of the Court.

15 **IT IS SO ORDERED.**

16 DATED: September 28, 2012

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18 BARRY TED MOSKOWITZ, Chief Judge
19 United States District Court
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